

R&d PCT/PTO 13 MAY 2002

10/019817

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Burt  
06-10-2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Germond et al. DOCKET NO.: 112843-039  
SERIAL NO: 10/019,817 ART UNIT:  
FILED: December 20, 2001 EXAMINER: Unknown  
INVENTION: "THE LACTOSE OPERON OF LACTOBACILLUS DELBRUECKII AND ITS USE FOR CONTROLLING GENE TRANSCRIPTION AND/OR EXPRESSION IN BACTERIAL CELLS "

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.**  
**§371**

Sir:

**IN THE SPECIFICATION**

Please replace the Sequence Listing with the attached Sequence Listing.

**REMARKS**

This Response is submitted in response to the Notification of Missing Requirements under 35 U.S.C. §371 ("Notice"). A copy of the Notice is attached herewith.

The Notice stated that the Oath or Declaration is unsigned. Applicants are submitting herewith a signed Declaration and Power of Attorney.

Further, the Notice stated that Applicants have not supplied a sequence listing in computer readable form. In response, Applicants respectfully submit herewith, and a substitute paper copy of the "Sequence Listing" computer readable form copy of the substitute "Sequence Listing". Applicants believe that no new matter has been added with respect to the submission of the substitute "Sequence Listing". Applicants believe that the information recorded in computer readable form is identical to the written sequence listing that was filed herewith.

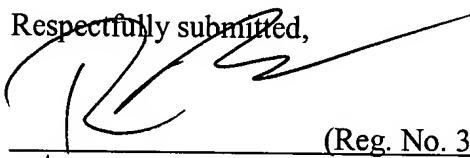
As previously discussed, Applicants have amended the Specification to direct entry therein of the substitute paper copy of the "Sequence Listing".

Accordingly, Applicants respectfully submit that the requirements with respect to the Notice have been fully satisfied.

To the extent any additional fees are due and owing Applicants respectfully request that they be charged to Deposit Account No. 02-1818.

For the foregoing reasons, Applicants respectfully request an early and favorable examination of their patent application.

Respectfully submitted,

  
(Reg. No. 30,142)

Robert M. Barrett  
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P.O. Box 1135  
Chicago, Illinois 60690-1135  
Tel: (312) 807-4204  
ATTORNEY FOR APPLICANTS

FORM PTO-1390 (Machine)  
(REV 11-2000)

U.S. DEPARTMENT

COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

112843-039

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR)

10/019,817

CB-102002

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
**PCT/EP00/05834**INTERNATIONAL FILING DATE  
**23 June 2000**PRIORITY DATE CLAIMED  
**30 June 1999**

## TITLE OF INVENTION

**THE LACTOSE OPERON OF LACTOBACILLUS DELBRUECKII AND ITS USE FOR CONTROLLING GENE TRANSCRIPTION AND/OR EXPRESSION IN BACTERIAL CELLS**

## APPLICANT(S) FOR DO/EO/US

**Germond et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22.  Certificate of Mailing by Express Mail
23.  Other items or information:

**copy of Notification of Missing Requirements  
Notification of Missing Requirements under 35 U.S.C. 371  
postcard**

10/01 9817

U.S. APPLICATION NO. (IF KNOWN, SEE PCT/PTO)  
10/019,817INTERNATIONAL APPLICATION NO.  
PCT/EP00/05834ATTORNEY'S DOCKET NUMBER  
112843-039

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1040.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$890.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$740.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$710.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$0.00
<b>SUBTOTAL =</b>				\$130.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+ \$0.00
<b>TOTAL NATIONAL FEE =</b>				\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				<input type="checkbox"/> \$0.00
<b>TOTAL FEES ENCLOSED =</b>				\$130.00

05/17/2002 RAL111 00000065 10019817

51 Filing

130.00 OP

Amount to be:  
refunded \_\_\_\_\_  
charged \_\_\_\_\_ \$

- a.  A check in the amount of \$130.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818 A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett (Reg. No. 30,142)  
 Bell, Boyd & Lloyd LLC  
 P.O. Box 1135  
 Chicago, Illinois 60690-1135  
 Telephone: (312) 807-4204

  
SIGNATURE

Robert M. Barrett

NAME

30,142

REGISTRATION NUMBER

May 13, 2002

DATE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Germond et al.

Docket No.

112843-039

Serial No.

10/019,817

Filing Date

December 20, 2001

Examiner

Group Art Unit

Invention: **THE LACTOSE OPERON OF LACTOBACILLUS DELBRUECKII AND ITS USE FOR CONTROLLING GENE TRANSCRIPTION AND/OR EXPRESSION IN BACTERIAL CELLS**

I hereby certify that the following correspondence:

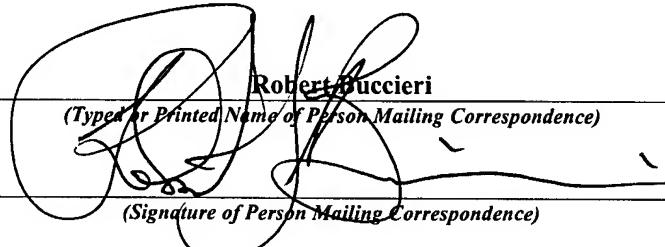
**Transmittal letter to the United States Designated/Elected office in duplicate, copy Notification of Missing Requirements Under 35 U.S.C. 371, Notification of Missing Requirements response, executed declaration and power of attorney, Substitute computer readable Sequence Listing, disk copy of Sequence Listing, late fee \$130.00, postcard**

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

May 13, 2002

(Date)

  
Robert Juccieri

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV 113760855US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.